

TITLE 412 INDIANA HEALTH FACILITIES COUNCIL

ARTICLE 1. HEALTH FACILITIES

Rule 1. Emergency Relocation of Residents

412 IAC 1-1-1 Applicability

Authority: IC 16-28-6-2

Affected: IC 16-28

Sec. 1. The definitions in this rule apply throughout this article. (*Indiana Health Facilities Council; 412 IAC 1-1-1; filed Apr 29, 2000, 4:40 p.m.: 23 IR 3083*)

412 IAC 1-1-2 “Department” defined

Authority: IC 16-28-6-2

Affected: IC 16-28

Sec. 2. “Department” means the Indiana state department of health. (*Indiana Health Facilities Council; 412 IAC 1-1-2; filed Apr 29, 2000, 4:40 p.m.: 23 IR 3083*)

412 IAC 1-1-3 “Discharge plan” defined

Authority: IC 16-28-6-2

Affected: IC 16-28

Sec. 3. “Discharge plan” means a plan that originates upon a resident’s admission to a facility and identifies specific resident needs that are to be addressed when the resident is discharged from the facility. (*Indiana Health Facilities Council; 412 IAC 1-1-3; filed Apr 29, 2000, 4:40 p.m.: 23 IR 3083*)

412 IAC 1-1-4 “Emergency” defined

Authority: IC 16-28-6-2

Affected: IC 16-28

Sec. 4. “Emergency” means a situation or physical condition that presents imminent danger of death or serious physical or mental harm to one (1) or more residents of a facility. (*Indiana Health Facilities Council; 412 IAC 1-1-4; filed Apr 29, 2000, 4:40 p.m.: 23 IR 3084*)

Rule 2. Relocation Provisions

412 IAC 1-2-1 Emergency relocation

Authority: IC 16-28-6-2

Affected: IC 4-21.5-4; IC 16-28-5-1

Sec. 1. (a) The department may, with the approval of the commissioner, order the relocation of a resident from a health facility under IC 4-21.5-4 when any of the following conditions exist:

- (1) The facility is operating without a license.

- (2) The department has revoked the license of the facility.
 - (3) The department initiated revocation procedures and has determined that the health, safety, security, rights, or welfare of the resident cannot be assured pending the outcome of administrative action.
 - (4) The department determines that an emergency exists which requires immediate removal of the residents.
 - (b) The department's decision to relocate a resident from a facility shall be based on the potential for imminent harm to the health, safety, security, rights, or welfare of the resident.
 - (c) In an emergency relocation, the department shall notify the facility of the resident to be relocated.
 - (d) The facility shall notify the following of the emergency relocation and the reasons for the relocation as soon as practicable or in no event later than twenty-four (24) hours after notified by the department under subsection (c):
 - (1) The resident.
 - (2) A family member of the resident, if known.
 - (3) The resident's legal representative, if known.
 - (4) The local long term care ombudsman program.
 - (5) The person or agency responsible for the resident's placement, maintenance, and care in the facility.
 - (6) In situations where the resident is developmentally disabled, the regional office of the division of disability, aging, and rehabilitative services, who may assist with placement decisions.
 - (7) The resident's physician.
 - (e) The department shall oversee the emergency relocation of the resident with assistance from the facility and the ombudsman.
 - (f) The resident and, when practicable, their next of kin or guardian, shall be:
 - (1) involved in their discharge plan;
 - (2) given the opportunity to select alternative placements; and
 - (3) given every practicable assistance by the facility in accomplishing the emergency relocation.
 - (g) For purposes of IC 16-28-5-1, a breach of subsection (d) or (f) is a deficiency.
- (Indiana Health Facilities Council; 412 IAC 1-2-1; filed Apr 29, 2000, 4:40 p.m.: 23 IR 3084)*

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